

FEB 12 2008

Serial No. 10/801,273

Amendment After Final

UTILITY PATENT

B&D No. JK01488A

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 6. This sheet replaces the original sheet including Fig. 6.

Attachment: Replacement Sheet

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REMARKS

Applicants have amended Claim 4 and canceled Claim 36. Currently in the above-identified application therefore are Claims 1-7 and 34-35.

The Examiner objected to the drawings because FIG. 6 allegedly does not show "the gear housing portion [being] higher than the arbor." It appears that the Examiner may have misunderstood Claim 1. Claim 1 does not require that the entire gear housing portion is higher than the arbor. Instead, Claim 1 defines "the gear housing portion" as the "portion being directly below the motor shaft." Applicants have amended FIG. 6 to explicitly show portion 644P, which is both directly below motor shaft 654 and higher than the arbor shaft 648. The specification has been amended to explicitly call out reference numeral 644P and this arrangement. No new matter has been introduced.

The Examiner has rejected Claims 1-7 and 34-36 under 35 USC § 112, second paragraph, for indefiniteness. In particular, the Examiner notes that Claim 1 states that "the gear housing portion is higher than the arbor," while FIG. 6 shows otherwise. As explained above, Claim 1 defines "the gear housing portion" as the "portion being directly below the motor shaft." As shown in amended FIG. 6, gear housing portion 644P is both directly below motor shaft 654 and higher than the arbor shaft 648. Accordingly, Applicants submit that Claim 1 is definite.

The Examiner noted that Claim 4 called for a "gear box" and asked if this gear box was different than the "gear housing" of Claim 1. In response, Applicants note that there is no difference between the two claimed elements, and have amended Claim 4 to remove the inconsistent language.

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Applicants have canceled Claim 36, rendering the rejection moot.

The Examiner rejected Claims 1, 4 and 6-7 under 35 USC § 103(a) as being unpatentable over US Patent No. 5,357,834 ("Ito") in view of US Patent No. 5,850,698 ("Hurn"). The Examiner also rejected Claims 2-3 and 34-36 under 35 USC § 103(a) as being unpatentable over Ito in view of Hurn, and further in view of US Patent No. 3,611,859 ("Avakian") or US Patent No. 2,925,104 ("Allemanann"). In addition, the Examiner rejected Claim 5 under 35 USC § 103(a) as being unpatentable over Ito and Hurn, and further in view of US Patent No. 6,615,701 ("Hollinger"). These rejections are respectfully traversed.

Applicants note that Ito, Hurn, Avakian and Hollinger, whether individually or in combination, do not show a portion of the gear housing directly underneath the motor shaft and being higher than the arbor. Instead, Ito and Hurn, for example, show the portion of the gear housing directly underneath the motor shaft being lower than the arbor.¹

By contradistinction, Claim 1 calls for a "gear housing having a portion being directly below the motor shaft; ... the gear housing portion [being] higher than the arbor." Because the cited references do not show, teach or suggest such arrangement, they cannot render unpatentable Claim 1 and its dependent claims.

¹ The Examiner contends that "Ito shows a portion of the housing (to the right of 39a in Figure 3) that is higher than the arbor and directly below the motor shaft." Applicants note that the Ito motor shaft includes gear 42a. Accordingly, the gear portion directly below gear 42a is above reference numeral 33. This portion is lower than the arbor 33, as opposed to higher than arbor 33, as called for in Claim 1.

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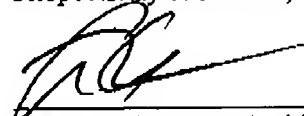
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In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 1-7 and 34-35 are respectfully requested.

No fee is believed due. The Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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